REMARKS

The present amendment is in response to the non-Final Office Action mailed in the present case on 7/16/2002. In the action the independent claims are all rejected under 35 U.S.C. 103(a) over Lawler. Applicant prefers to deal with just this rejection in the present response, as overcoming Lawler in the independent claims renders all of the claims patentable to the applicant.

The applicant's position has been, and continues to be, that the prior art does not teach or suggest associating commands with displayable indicia at a head end, or more broadly at any station remote from a set top box where future programming information is updated and streamed to a user (to the set top box), and including these displayable indicia associated with commands in the future programming information. The Examiner in the rejections continues, however, to attribute the applicant's claim language to the references, instead of vice-versa, and to site reference material relied upon simply by figure and element number, or column and line numbers, without specifically referring to the language of the reference. This examination tactic makes progress rather difficult.

As an example of the problem applicant is having with this case, applicant's claim 16, before amendment in this paper, recites that the claimed set top box has a broadband receiver which receives a data stream, which data stream includes future programming and a displayable indicia associated with a command. The Examiner, at the top of page 2 of the present action, accounts for applicant's claimed displayable indicia associated with a command, received in a data stream along with future programming information, as follows: "displayable indicia including command(s) Figs. 5-6 and 10, elements 128, 130 and 140) associated with displayable indicia, said commands associated with said displayable indicia (col 7, lines 20-26, commands such as links, col 4, lines 36-51, commands such as buttons 128,

130 or 140, col. 10/lines col 11/line 6). This language may be fine for a worksheet, but it is vague and insufficient in a rejection stated in an official action. The Examiner in reciting the rejection thusly, conveniently avoids any discussion of what the reference actually teaches, or how that teaching might or might not apply to what the applicant clearly claims.

The applicant's claim language clearly recites that a displayable indicia already associated with a command is received in the data stream to the set top box along with future programming information. That is what is claimed as a limitation. The Examiner provides indicia displayed in Lawler (elements 130, 138, 140) in Fig. 5-6 and 10, without regard to where they come from or how and when the association is made. Where they come from, that is, the fact that these displayable indicia are received by the set top box already associated with commands, is an integral and critical part of the limitation.

The Examiner simply ignores, and does not attempt to deal with the limitation of the displayable indicia received, already associated with commands, in the data stream from the head end.

Now, in the interview summary mailed 6/27/2002, the Examiner states "Applicant indicated difference in operation of invention and the prior art regarding the inclusion of displayable indicia embedded in the data stream and transiently displayed only while the data stream is received in real time." This is almost correct, but not quite, and the applicant wishes to reiterate what was actually argued. The Examiner left out in the interview summary that the applicant strenuously argued in that interview that the displayable indicia received by the set top box is, at that point, already associated with a command. This point is critically important, and must not be ignored in the discussion or the rejections. It is a clear limitation in the claims.

In Lawler there is teaching of displayable indicia associated with commands, and the Examiner points these out. There is no teaching whatever, however, that Lawler's displayable indicia comes in the data stream already

associated with a command. This is claimed, but it is ignored repeatedly in the rejections.

The Examiner continues in the interview summary of 6/27/02 that she believes that the breadth of the claim language under consideration does not require this aspect of operation, and therefore Lawler fairly reads on the claim as it may be interpreted. The Examiner apparently, then, clearly agrees that Lawler does not teach the inclusion of the displayable indicia (associated with a command) in the received data stream.

Applicant continues to believe that the inclusion of the displayable indicia associated with a command in the received data stream is clearly and unambiguously claimed. Applicant has, however, amended the independent claims, and the dependent claims where necessary, to strictly limit the set top box of the invention to a set top box in a system for providing future programming information, in which system displayable indicia are pre-associated with commands at a head end and provided as a part of the future programming information in a displayable data stream.

Applicant firmly believes that to overcome this clear and specific limitation the Examiner must show in the prior art a system wherein commands are associated at the head end with displayable indicia, and the displayable indicia are streamed with future programming information. Failing this, these claims are clearly and unarguably patentable. To be very specific, arguing that a reference (ie. Lawler) seems to teach something like it, or doesn't deny doing it, is not sufficient to make a prima facie rejection. The reference must clearly teach the limitation.

Applicant believes that the claims as amended herein are clearly patentable to applicant over the references cited and applied, and therefore respectfully requests reconsideration and that the case be passed quickly to issue.

Version with Markings to Show Changes Made

In the specification:

Please delete the full paragraph under the "Cross-Reference to Related Applications" on the first page of the as-filed specification, and substitute the following paragraph therefor:

-- The present invention is a divisional of co-pending application 08/825,209, now issued as US Patent 6,205,485, incorporated herein in its entirety by reference. --

In the claims:

16. (Amended) <u>In a system for providing future programming information, in which system displayable indicia are pre-associated with commands at a head end and provided as a part of the future programming information in a displayable data stream, a</u> [A] set top box, comprising;

a broadband receiver to receive[, in real time, multimedia information including a] <u>the</u> displayable data stream [constituting data including future programming and at least one command associated with a displayable indicia];

[tuner/demultiplexer] circuitry to [separate in real time the displayable data stream from the multimedia information, and to form a display from the displayable data stream, the display formed including the displayable indicia] <u>select the future programming information, including the displayable indicia, and to cause it to be displayed</u>; and

user-operable apparatus to select the displayable indicia;

characterized in that, in response to selecting the displayable indicia, the command associated with the selected <u>displayable</u> indicia is [stored and] executed [at a future point in time].

18. (Amended) The set top box of claim 16 wherein a portion of the [multimedia] information received comprises WEB pages in a Markup Language.

19. (Amended) The set top box of claim 16 wherein the broadband receiver comprises a satellite data link adapted to download a satellite-broadcasted data stream, and the [multimedia] information is received via the satellite data link.

20. (Amended) The set top box of claim 19 wherein a portion of the [multimedia] information received by satellite data link comprises Markup Language.

21. (Amended) The set top box of claim 16 wherein [a first portion of the multimedia information comprises] <u>the future programming information is received along with</u> television programming[, and a second portion comprises future program schedule information associated with the television programming, the schedule information including the command and displayable indicia associated with the command].

22. (Amended) The set top box of claim 21 further comprising a cache memory system wherein the [program schedule] <u>future programming</u> information including the command and displayable indicia associated with the command are stored[, and a driver adapted to coordinate the cache and the second portion of the multimedia information].

23. (Amended) The set top box of claim 16 wherein the broadband receiver further comprises a satellite data link adapted to download a satellite-broadcast data stream, and a land-based modem, and the [multimedia information including a data stream constituting a command and a displayable indicia associated with the command] future programming information is received by one or both of the satellite data link and the land-based modem.

25. (Amended) In a system for providing future programming information, in which system displayable indicia are pre-associated with commands at a head end and provided as a part of the future programming information in a displayable data stream, a [A] method for commanding a set-top box to initiate a function, comprising the steps of:

(a) receiving [in real time] by a broadband receiver in the set-top box [multimedia information including] the [a] displayable data stream [constituting data including future programming and at least one command associated with a displayable indicia];

(b) [separating] selecting the displayable data stream [in real time] by [a tuner/demultiplexer] circuitry in the set top box, and [forming a display from the displayable data stream] causing it to be displayed[, the display including the indicia associated with the command]; and

(c) selecting the displayed indicia by a user-operable apparatus, causing the associated command to be executed[;

(d) storing the command associated with the indicia; and

(e) executing the command at a future point in time].

26. (Amended) The method of claim 25 wherein, in step [(e)] (c), execution of the command comprises switching the display to a channel associated with the future programming.

27. (Amended) The method of claim 25 wherein[, in step (a),] a portion of the [multimedia information received] displayable data stream comprises WEB pages in a Markup Language.

28. (Amended) The method of claim 25 wherein[, in step (a] the broadband receiver comprises a satellite data link to download a satellite-broadcasted data stream, and the [multimedia information] displayable data stream is received via the satellite data link.

29. (Amended) The method of claim 28 wherein[, in step (a),] a portion of the [multimedia information] displayable data stream received by satellite data link comprises Markup Language.

30. (Amended) The method of claim 25 wherein[, in step (a), a first portion of the multimedia information] the displayable data stream comprises television programming in addition to the future programming information[, and a second portion comprises future program schedule information associated with the television programming, the schedule information including the command and displayable indicia associated with the command].
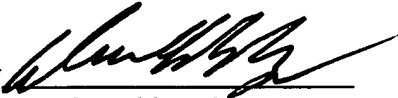
31. (Amended) The method of claim 30 further comprising a cache memory system wherein the [program schedule information including the command and displayable indicia associated with the command are] future programming information is stored[, and a driver adapted to coordinate the cache and the second portion of the multimedia information].

32. (Amended) The method of claim 25 wherein[, in step(a),] the [broadband receiver] set top box further comprises a satellite data link adapted to download a satellite-broadcast data stream, and a land-based modem, and the [multimedia information including a data stream constituting a command and a displayable indicia associated with the command] future programming

information is received by one or both of the satellite data link and the land-based modem.

Cancel claims 34 through 37.

Respectfully Submitted,
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